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American Rivers  
Bay Institute  
Defenders of Wildlife  
The Endangered Species Coalition  
Environmental Defense Fund  
Golden Gate Salmon Association  
National Audubon Society  
Natural Heritage Institute  
Natural Resources Defense Council  
The Nature Conservancy  
Planning and Conservation League

Dear Friends:

Several of your organizations have sent letters regarding various BDCP issues in July, August, and September. Rather than try to draft specific responses to each of the points in the letters, we suggest a process in which we would attempt to resolve these issues.

We have tried to categorize the issues, as described below. If we have missed major categories of issues, please let us know as quickly as possible. Also, please let us know your collective views on whether the subjects are being considered in the proper order.

We have asked Bruce DiGennaro to facilitate a discussion between your organizations and the state and federal governments to seek resolution of these issues.

In undertaking this effort, we are seeking mainly to find solutions which move all parties closer to agreement on what BDCP should include, and how it would be implemented. While we are also willing to discuss how a successful BDCP is developed, we would like to give greatest emphasis to what a successful BDCP would look like, and how it would be carried out to meet the dual goals the Legislature has adopted.

We currently have the following meetings scheduled: October 26 and December 7. We will also schedule a meeting in November.

Some issues are still being addressed by working groups, such as Real Time Operations, and those working groups should complete their work before unresolved issues are put on this list.

## **October 26**

How will the amount of water going to Delta outflow be determined, beyond the requirements of various control points such as Vernalis, Rio Vista, X2, and so on? Specifically, should additional Delta outflow requirements be included in BDCP, or should they be determined after BDCP is approved by the regulatory agencies (including the Corps of Engineers), at the SWRCB hearing on the basin plan and the petition to change the point of diversion? How will the overall outflow needs of the ecosystem be determined? Should BDCP consider the role of water rights holders in the Central Valley as part of the

BDCP effort?

Do conservation groups want an MOA comparable to that signed with the water contractors? What would such a document contain?

If BDCP does not use DRERIP as extensively as desired by the conservation groups in developing the plan, how can DRERIP be used in the implementation of BDCP to assure that good science is used in both implementation of the conservation measures, and in adaptive management?

## **November meeting**

How will the Goals and Objectives be used in the implementation of BDCP. ICF has proposed a process, which has been distributed. Is it satisfactory? Are changes needed? How will ecological goals and objectives be developed and implemented? What assurances are there that the ecosystem as a whole will be considered, rather than just individual species?

What will be the environmental assurances provided by BDCP? At the moment, these assurances are a combination of the initial operating criteria and the adaptive management plan. How should adaptive management be undertaken, especially with respect to decisions about whether AM needs to be implemented, the extent of the AM response needed, and how to decide disputes? What level of causation should be established to trigger AM? What are other AM triggers? Do they relate directly to G&O? Are “no surprises assurances” linked to biological performance?

Will the SWRCB alternative be carried out to full analysis? How can a project be selected that meets the dual goals and needs of all interest groups without considering a myriad of alternatives at great expense of time and money?

## **December 7**

What will CM1 actually be? Size, intake locations, initial operating criteria?

Use of independent scientists and qualifications. Should scientists who work with litigants (such as exporters, environmental groups, upstream water agencies, state and federal water agencies) be disqualified from serving on independent science boards? Should BDCP plan on continued use of the ISB of DSC?

What funding responsibility do the exporters bear for habitat programs, beyond CM1 and its direct mitigation?

Will BDCP include funding or commitments for demand management and off stream storage programs? What other mechanisms exist to assure these programs are carried out, such as commitments from exporters, SWRCB or COE requirements, etc? How does “decreasing reliance” relate to BDCP?

Should NGOs and other interest groups have a decision making role in the implementation of BDCP, including the habitat programs?

We look forward to your response to these ideas.

Sincerely,

Jerry Meral

Mike Connor

Will Stelle